

**WILLIAMSBURG
BOARD OF ZONING APPEALS
MINUTES**

January 2, 2007

The regular monthly meeting of the Williamsburg Board of Zoning Appeals was held on Tuesday, January 2, 2007 at 4:00 p.m. in the Williamsburg Municipal Building, 401 Lafayette Street.

CALL TO ORDER and ATTENDANCE

Chairman White called the meeting to order. Present in addition to Mrs. White were Board members Carr and Knudson. Board members Lamson and Goddin were absent. Staff members present were Zoning Administrator Rhodes and Secretary Scott.

OPEN FORUM

Chairman White opened the Open Forum portion of the meeting for anyone present to address the Board on any subject other than what is on the agenda.

There being no one wishing to speak, the Open Forum was closed.

PUBLIC HEARINGS

BZA #06-015: Request of George Tsipas for a special exception per Section 21-604 of the Zoning Ordinance to construct a single-family dwelling with an accessory apartment for an elderly parent. The property is located at 118 Longhill Road, Williamsburg Tax Map Number 342-05-00-004 and is zoned Single-Family Dwelling District RS-2. Approved.

Chairman White introduced the request for a special exception and invited the applicant to comment on the request.

Debbie Lane with Tom Lane Contracting, Inc., representing the owner/applicant, George Tsipas, stated that Mr. Tsipas plans to live on the second floor of the home and would like his elderly mother to have an apartment on the first floor. Ms. Lane confirmed the applicant is aware of the conditions under which a special exception for an accessory apartment can be approved.

Mrs. Knudson asked if the dwelling will revert to only a single-family dwelling after the passing of the applicant's mother, and Mr. Rhodes said this is a requirement stated in Article IV, Section 21-604 of the Zoning Ordinance. Ms. Lane said the house will have a total of 1536 square feet and three bedrooms.

Chairman White opened the public hearing.

There being no comment the public hearing was closed.

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Mr. Carr made the observation that usually an accessory structure is on the rear of a dwelling; this request is interesting in that the apartment will be on the lower level of the new dwelling. He suggested that when the accessory apartment is no longer needed the kitchen facilities on the second level rather than on the first floor, be removed.

Mrs. White noted that the request meets the requirements of the Ordinance and there are sufficient conditions in place to protect the public interest.

Mr. Carr moved that the special exception to construct a single-family dwelling with an accessory apartment for an elderly parent be approved subject to all conditions imposed in the Ordinance, with an option granted to the applicant to either remove the upstairs or downstairs kitchen facilities upon the vacating of the property by the elderly family member.

Mrs. Knudson seconded the motion which carried by roll call vote of 3-0.

Chairman White asked that with the vote, members confirm their visit to the site either today or at an earlier recent time.

Recorded Vote on the Motion:

Aye: White, Knudson, Carr
Nay: None
Absent: Goddin, Lamson

Confirmation of site visit:

Aye: White, Knudson, Carr
Nay: None
Absent: Goddin, Lamson

BZA #06-016: Request of Thomas and Kimberly Gill for a variance from Section 21-167(3) of the Zoning Ordinance to construct a sunroom twenty-one feet from the rear property line instead of the required twenty-five feet. The property is located at 108 Pearl Street, Williamsburg Tax Map Number 491-10-00-015 and is zoned Single-Family Dwelling District RS-2. Approved.

Chairman White introduced the request for a variance and invited the applicant to comment on the request.

Dennis O'Brien with Melani Brothers, 2025 George Washington Memorial Highway, spoke on behalf of the applicants. He said due to the size of the lot and the positioning of the existing home, this is the only suitable location to install a sunroom without significantly modifying the existing structure. He added that the sunroom addition would not dramatically alter the existing footprint of the property.

Mrs. Knudson asked why the sunroom needs to be 12' x 12' rather than 8' x 12'. Mr. O'Brien answered that the applicant plans to use the area for their children's playroom and the 8' strip would not allow for adequate furniture placement. Chairman White stated that the standards for variance approval are much higher because of the

Supreme Court's decision and that a specific hardship must be demonstrated. Mr. O'Brien said the variance is necessary due to the curvature of the street and there being less depth to the lot. The living area for the home will be 1374 square feet.

Mr. Carr asked if any of the neighbors had been contacted regarding the proposal and owner, Mrs. Gill responded that the corner property owner to the left of them has no problem with the addition and to the right of them, 104 Pearl Street, had no opinion. There have been no other comments.

Chairman White opened the public hearing.

There being no comment the public hearing was closed.

In answer to Mr. Carr's query as to the height of the addition, Mr. O'Brien said it will be one story with an 8 foot interior roof line.

Mrs. Knudson said she is persuaded to approve the request due to the size of the lot and that there doesn't seem to be much of a visual impact on the neighbors. Mr. Carr added that the rear of the property backs up to College property.

Mrs. White agreed with comments from Board members; that the variance is justified due to the size and shape of the lot, that there is no opposition from neighboring property owners, and that the existing home is small and expansion is reasonable.

Mrs. Knudson moved that the variance from the 25 foot rear yard setback to a 21 foot rear yard setback be approved to allow construction of a sunroom/playroom.

Mr. Carr seconded the motion which carried by roll call vote of 3-0.

Chairman White asked that with the vote, members confirm their visit to the site either today or at an earlier recent time.

Recorded Vote on the Motion:

Aye: White, Knudson, Carr
Nay: None
Absent: Goddin, Lamson

Confirmation of site visit:

Aye: White, Knudson, Carr
Nay: None
Absent: Goddin, Lamson

BZA #06-017: Request of Andrew Edwards for a special exception per Section 21-896 of the Zoning Ordinance for an enlargement of a non-conforming dwelling. The existing single-family dwelling is five feet from the corner side yard. The proposed addition would also be five feet from the property line. The Zoning Ordinance requires all structures to be a minimum of 17.5 feet from a corner side yard. The property is located at 800 South Henry Street, Williamsburg Tax Map Number 525-0A-00-023 and is zoned Single-Family Dwelling District RS-2. Approved.

Chairman White introduced the request for a special exception and invited the applicant to comment on the request.

Owner/applicant Andy Edwards and Mr. Lyon stated the proposal is to construct an addition of approximately 700 square feet to the rear of the existing house. The addition cannot be built further west because of the presence of a large and valuable old maple tree. The proposed addition would continue the current setback and be constructed 9 feet from the curb of Mimosa.

Zoning Administrator Rhodes noted the dwelling was constructed in 1905 and the adjoining street was constructed after the dwelling which created the nonconforming setback. He added that the addition must be at least 4 feet from the City right-of-way.

Chairman White opened the public hearing.

There being no comment the public hearing was closed.

Mrs. Knudson said the structure is already nonconforming and she appreciates the thoughtful maintenance of the house. She moved that the special exception to construct the addition to the rear of the existing house be approved.

Mr. Carr seconded the motion which carried by roll call vote of 3-0.

Chairman White asked that with the vote, members confirm their visit to the site either today or at an earlier recent time.

Recorded Vote on the Motion:

Aye: White, Knudson, Carr
Nay: None
Absent: Goddin, Lamson

Confirmation of site visit:

Aye: White, Knudson, Carr
Nay: None
Absent: Goddin, Lamson

OLD BUSINESS

Appeal Period

Mrs. White reported that a recent Supreme Court decision stated that the 30 calendar day appeal period for BZA cases begins on the date the decision was rendered by the Board. Zoning Administrator Rhodes noted the Board's Bylaws as well as Section 21-99 of the Zoning Ordinance will need to be amended to reflect this decision. Mr. Carr suggested the City Attorney review the amended Bylaws prior to approval to which Mrs. White agreed. Mrs. White also distributed copies of the Cochran v. Board of Zoning Appeals decision, discussion of which will be on the February agenda for this Board.

NEW BUSINESS

Minutes from December 5, 2006 meeting

The minutes of the December 5, 2006 meeting were approved as submitted viva voce.

Election of 2007 Officers

Mrs. Knudson said she supports officers serving two-year terms because with a one-year term an officer just begins to get a full understanding of the position's responsibilities. Consensus of the Board was to wait until the next meeting to elect or reelect officers for 2007.

2006 Annual Report

Mrs. Knudson moved that the Board of Zoning Appeals 2006 Annual Report be accepted as submitted. Mr. Carr seconded the motion which carried by roll call vote of 3-0.

Recorded Vote on the Motion:

Aye: White, Knudson, Carr

Nay: None

Absent: Goddin, Lamson

There being no further business the meeting adjourned at 4:50 p.m.

Respectfully submitted,

Elizabeth White, Chairman
Board of Zoning Appeals